

## **REMARKS**

Reconsideration of the application as amended is respectfully requested. The specification has been amended to correct a typographical error. No new matter has been added by virtue of the amendment to the specification.

Claims 2, 3, 4, 5, 12, 13, 14, 15, 17, 24, and 25 have been amended to recite that the respective primers consist of the recited nucleotides of the corresponding SEQ ID NOs. Claim 16 has been amended to recite that the wild type allele comprises the specified nucleitides of SEQ ID NO:17. No new matter has been added by virtue of the amendments to the claims.

### **Rejections under 35 U.S.C. § 112**

Claim 25 stands rejected under § 112, first paragraph as failing to comply with the written description requirement, in the recitation of "a sequence as set forth in nucleotides 1 to 22 of SEQ ID NO:10". This rejection is believed to be obviated by the amendment to claim 25, and its withdrawal is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 2-9, and 24 stand rejected under § 103 as being unpatentable over Rutledge et al. in view of Sathasivan et al. and Shi et al. The Examiner takes the position that the recitation of "a sequence as set forth in" the respective claims reads on any primer having at least two contiguous nucleotides of the recited SEQ ID NOs.

Without acquiescing in the Examiner's position, Applicants have amended the claims to replace "as set forth in" with "consisting of". This rejection is believed to be obviated by the amendments to the claims, and its withdrawal is respectfully requested.

Claim 10 stands rejected under § 103 as being unpatentable over Rutledge et al. in view of Sathasivan et al. and Shi et al., and further in view of Hattori et al. This rejection is believed to be obviated by the amendments to claims 2 and 3, and its withdrawal is respectfully requested.

Claims 12-20 and 25 stand rejected under § 103 as being unpatentable over Rutledge et al. in view of Hattori et al., Liu et al., and Shi, et al. This rejection is

believed to be obviated by the amendments to the claims, and its withdrawal is respectfully requested.

Claim 21 stands rejected under § 103 as being unpatentable over Rutledge et al. in view of Hattori et al., Liu et al. and Shi, et al. as applied to claims 11, 14-20 and 25, and further in view of Sathasivan et al. This rejection is believed to be obviated by the amendments to the claims, and its withdrawal is respectfully requested.

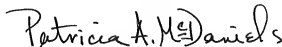
**Double Patenting**

Claims 2-10, 12-21, 24, and 25 stand provisionally rejected for nonstatutory obviousness-type double patenting over claims 1-5 of USSN 10/695,089 in view of Shi, et al. and Liu et al. The Examiner's attention is directed to the prosecution history of USSN 10/695,089 and the fact that USSN 10/695,089 is now abandoned. Withdrawal of the provisional double patenting rejection is therefore respectfully requested.

In light of the amendments set forth above, Applicants submit that all of the rejections contained in the final Office Action dated February 20, 2008 have been overcome, and the application is in condition for allowance or appeal. Should the Examiner wish to discuss the application further, he is invited to telephone the undersigned. If any additional fees are due with respect to this submission, authorization is hereby given to charge such fees, or to credit any overpayment, to Deposit Account No. 02-1197.

Respectfully submitted,

BASF CORPORATION



Patricia A. McDaniels  
Reg. No. 33,194

Customer Number: 029137  
26 Davis Drive  
Research Triangle Park, NC 27709  
(919) 547-2834 (direct dial)  
(919) 547-2444 (facsimile)